Old No. A.O. 705 of 1984

HIGH COURT OF UTTARANCHAL AT NAINITAL

A.O. No. 798 of 2001

Union of India .....Appellant

Versus

Smt. Gomati Devi & others .....Respondents

A.O. No. 799 of 2001

Union of India .....Appellant

Versus

Madan Mohan Singh & Others .....Respondents

Dated: 10.8.2004

Hon. Rajesh Tandon J.

Both these appeals arising out of the same judgment and award passed by the Motor Accident Claims Tribunal, Dehradun in Case No. 251 of 1981 and 252 of 1981.

Briefly stated the facts giving rise to the present appeals are that respondents have filed claims petition for the grant of compensation under M.V.Act, with the allegations that on 5.4.1981 at 9.30 AM. Diwan Singh along with his two cousins namely Ghanshyam Singh and Govind Singh ws going on a bicycle on General Mahadev Singh Road towards Mohabe Wala in Dehradun. When they reached near a grove known Chaman Lal Wala Bag a military Truck No. VD 24885 which was driven

rashly and negligently hit bicycle riders. Due to the injuries sustained in the accident Ghansyam Singh and Govind Singh had expired and Diwan Singh sustained grievous injuries. The legal heir of Ghansyam Singh filed claim petition for grant of compensation for Rs. 1,50,000/- and legal heirs of Govind Singh filed claim petition for the grant of compensation of Rs. 1,51,000/-.

Opposite parties have filed written statement and denied that the accident had taken place due to rash and negligent driving by the truck driver. The Claims Tribunal framed as many as four issues and after considering the evidence on record has held that the accident took place due to rash and negligent driving by the truck driver. The claims tribunal has awarded an amount of Rs. 63,000/- as compensation in claim petition no. 251 of 1981 and a sum of Rs. 58,000/- in claim petition no. 252 of 1981. Being aggrieved the present appeals have been filed by the respondent.

I have gone through the evidence on record. On the basis of ocular evidence of P.W.4 Diwan Singh and P.W.5 Nakul Bhaskar the claim tribunal has held that the accident took place due to rash and negligent driving by the truck driver. In the answer of issue no. 2 the claim tribunal has held that the Union of India is the owner of the truck involved in the accident and as such Union of India is liable to pay compensation to the claimants. On the basis of the evidence of claimants, the claims tribunal has calculated the amount of compensation. I find no infirmity in the judgment and award passed by the Claims Tribunal. The finding of the Claims Tribunal are based on the evidence on record. The appeals have no force and are deserves to be dismissed.

Both the appeals are accordingly dismissed. No. order as to costs.

(Rajesh Tandon J.)

10.8.2004
*Dhyani